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09/716,273	11/21/2000	Hubert Helaine	Q61623	8432

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EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/716,273

Applicant(s)

HELAINE ET AL.

Examiner

Khawar Iqbal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being unpatentable by Beaudou (6671522).

3. Regarding claim 1 Beaudou et al teaches a telecommunication terminal (fig. 1) for accessing a data network via an access network using a set of provisioning data, the terminal comprising (figs. 1-3):

means for storing a current set of provisioning data (The mobile phone application sending technique has a mobile phone terminal 3 with an application area 31 to 33 commanded by the subscriber identification module 4) (col. 9, line 35-col. 10, line 35);

means for storing at least one set of protected provisioning data that cannot be updated without the intervention of the terminal user (the each provides a user with a different function selection signs 21-23 corresponding to the operator menu 20 performing terminal applications 31-33 with a separate terminal 3)(col. 6, line 53-col. 7, line 3, col. 9, line 35-col. 10, line 35, col. 8, lines 13-50); and

means for selecting a set of provisioning data from a group of the current set of primary provisioning data and the set of protected primary provisioning data (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50), wherein a connection to the data network (internet) is set up using the selected set of provisioning data (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50).

Regarding claim 8 Beaudou et al teaches a telecommunication terminal for accessing a data network via an access network using a set of provisioning data, the terminal comprising (figs. 1-3):

means for storing a current set of provisioning data (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50), means for storing at least one set of protected provisioning data that cannot be updated without the intervention of an access network operator (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50), and

means for selecting a set of provisioning data from a group of the current set of primary provisioning data and the set of protected primary provisioning data (para. # 0026,0028-32), wherein a connection to the data network is set up using the selected set of provisioning data (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50).

Regarding claim 15 Beaudou et al teaches a telecommunication terminal for accessing a data network via an access network using a set of provisioning data, the terminal comprising (figs. 1-3):

means for storing a current set of provisioning data; means for storing at least one set of protected provisioning data that cannot be updated without the intervention of the access provider (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50);

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means for selecting a set of provisioning data from a group of the current set of primary provisioning data and the set of protected primary provisioning data (para. # 0028-32), wherein a connection to the data network is set up using the selected set of provisioning data (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50).

Regarding claim 22 Beaudou et al teaches a method of updating provisioning data in a telecommunications terminal for accessing a data network via an access network and an access provider, the method comprising (figs. 1-3):

backing up provisioning data for an access network, an access provider or a user; and protecting the backed up provisioning data to prevent it being updated without the intervention of the user, an access network operator or the access provider (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50).

Regarding claim 2 Beaudou et al teaches wherein the terminal is a mobile terminal (Fig. 1).

Regarding claims 3,10 and 17 Beaudou et al teaches packet switched data using Internet protocol or wireless application protocol (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50).

Regarding claims 4,11,18 Beaudou et al teaches wherein the protected provisioning data storage means are adapted to store a plurality of sets of provisioning data for a plurality of accesses to the data network (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50).

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Regarding claims 5,12 and 19 Beaudou et al teaches wherein it includes identification data storage means for each provisioning set stored in the protected provisioning data storage means (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50).

Regarding claims 6,13,20 Beaudou et al teaches wherein the protected provisioning data storage means are in a medium dedicated to an access network or to an operator (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50).

Regarding claims 7, 17, and 21 Beaudou et al teaches wherein the protected provisioning data storage means are in a medium dedicated to an access or content provider (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50).

Regarding claim 23 Beaudou et al teaches a method of accessing a data network by a telecommunication terminal, the method comprising (figs. 1-3):

identifying a user and a network using the terminal (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50);

when the user and the network are identified, checking storage for a protected provisioning data that cannot modified without user intervention (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50); when said provisioning data is detected, using said provisioning data; and when said provisioning data is not detected, requesting current provisioning data (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50);

wherein said storage is in one of: the terminal; a medium dedicated to an access provider; a medium dedicated to an access net work (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50), wherein before storing in said storage said protected provisioning data,

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the user is queried whether said protected provisioning data is to be stored (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50).

Regarding claim 24 Beaudou et al teaches wherein the provisioning data is primary provisioning data to access the data network (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50).

Regarding claim 25 Beaudou et al teaches wherein both the means for storing a current set of provisioning data and the means for storing at least one set of protected provisioning data are located in at least one of storage of the terminal and on a card insertable into the terminal (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50).

Regarding claim 26 Beaudou et al teaches wherein the means for storing a current set of provisioning data and the means for storing at least one set of protected provisioning data, each store data for setting up a connection to the data network via a respective access networks for the same terminal and wherein connections to different access networks are established with different stored sets of provisioning data (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50).

Regarding claim 27 Beaudou et al teaches a telecommunication terminal for accessing a data network via an access network using a set of provisioning data, the terminal comprising:

means for storing a current set of primary provisioning data (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50);

means for storing at least one set of protected primary provisioning data that connote be

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updated without intervention from a terminal user (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50); and

means for copying one of said at least one set of protected primary provisioning data from the protected storing means into the current storing means (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50).

Regarding claim 28 Beaudou et al teaches wherein, when the terminal returns to a home access network, said one of said at least one set of protected primary provisioning data is copied from the protected storing means into the current storing means (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50).

Regarding claims 29-31 Beaudou et al wherein the current set of primary provisioning data is updated automatically without intervention of the terminal user (col. 9, line 35-col. 10, line 35, col. 8, lines 13-50).

Response to Arguments

4. Applicant's arguments filed 11-29-06 have been fully considered but they are not persuasive. Rejection to the claims 1-31 is maintained.

In the remarks applicant argues that:

Argument: Beaudou does not disclose means for selecting a set of provisioning data from a group of the current set of primary provisioning data and the set of protected primary provisioning data.

Response: Beaudou discloses means for selecting (If a terminal 3 receives this specific command, a terminal will try to set up the communication link with an access platform using the information on the 1st set of said parameter. For example, the purpose may

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be setting up the communication link with the 1st platform UP1 by the digital method, col. 9, lines 63-67) a set of provisioning data (in each initialization (or a certain initialization), a terminal 3 reads the predetermined list of parameter sets in the memory area 51 of a subscriber identity module 4. However, each parameter set defines the service server telephone number, a transmission system, and the call parameter of others as much as possible. An example of the structure of a memory area 51 is later shown in a detail in relation to drawing 3, col. 9, lines 50-57) from a group of the current set of primary provisioning data (in each initialization (or a certain initialization), a terminal 3 reads the predetermined list of parameter sets in the memory area 51 of a subscriber identity module 4. However, each parameter set defines the service server telephone number, a transmission system, and the call parameter of others as much as possible. An example of the structure of a memory area 51 is later shown in a detail in relation to drawing 3, col. 9, lines 50-57) and the set of protected primary provisioning data (subscriber identity module 4 transmits the specific command which requires making a terminal 3 put a browser into operation to a terminal 3 (as a parameter of direct or a generalization command (generic command)). The 1st set of a parameter is transmitted with this specific command; see col. 9, lines 58-61).

Argument: Beaudou does not disclose different types of sets of parameter.

Response: Beaudou discloses different types of sets of parameter (SIM and call setup/terminal parameter, step 1, col. 9, lines 50-57, Step 2, col. 9, lines 58-61 see above). A specific command is a new command of an "SIM application toolkit" commands set, respectively. The mutual discernment between a terminal and a

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subscriber identity module and/or an authentication device, and the check (confirmation) by the user of a command included in a terminal (being able to execute the command which is not known by the user and twisting like [a terminal]) are included in this type of command, 2nd specific command peculiar to the a part of terminal application [at least] (or wholly). The 1st generalization command (generic command) which contains the identifier of the 2nd specific command as a parameter at least in order to make the a part of terminal application [at least] run which the subscriber identity module transmits to the terminal, and in order that the terminal may pull out the 2nd specific command, the 1st generalization command is executed. Then, in order to run the terminal application or its part and to grasp a control, which executes the 2nd specific command is included, respectively (col. 6, line 53-col. 7, line 3, col. 9, line 35-col. 10, line 35, col. 8, lines 13-50).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khawar Iqbal whose telephone number is 571-272-7909.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GEORGE ENG can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Khawar Iqbal


GEORGE ENG
SUPERVISORY PATENT EXAMINER